

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN INCENTIVE
REPRESENTATIVES, INC.,

Plaintiff,

Case No. 05-71274

v.

Hon. John Corbett O'Meara

SEARS, ROEBUCK & CO.,

Defendant.

**ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION**

Before the court is Defendant's motion for rehearing or reconsideration of the court's opinion and order denying Defendant's motion for summary judgment. Pursuant to Local Rule 7.1(e)(2)(E.D. Mich. Sept. 8, 1998), no response was ordered and no oral argument was heard.

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

LR 7.1(g)(3).

Having reviewed Defendant's motion and the parties' summary judgment papers, the court finds that Defendant has failed to demonstrate a palpable defect by which the court and the parties have been misled. Defendant has not met its burden of showing that there is no genuine issue of material fact and that it is entitled to judgment as a matter of law.

Therefore, IT IS HEREBY ORDERED that Defendant's February 12, 2007 motion for reconsideration is DENIED.

s/John Corbett O'Meara
United States District Judge

Dated: April 10, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 10, 2007, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager